IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.277 OF 2006

IN

WRIT PETITION NO.1617 OF 2006

Shri Basaveshwar Education Society ...Petitioner

Versus

Shri Shivanand Gurusangayya

Viraktmath & Ors. ...Respondents

.....

Mr.A.R.Metkari i/b Mr.S.G.Kudle for Petitioner.

Mr.Surel S.Shah for Respondents 1 & 2.

.....

CORAM: A.M.KHANWILKAR, J.

FEBRUARY 20, 2007.

P.C.

1. Contemnors are present in Court. Perused the pleadings filed by the rival parties.

2. Petitioner's contention that the act of the Respondents to send reply to the Deputy Director, Pune Division dated 22nd June 2006

tantamount to wilful disobedience of the order of the Court dated 27th February 2006, is unacceptable. I find substance in the explanation offered by the Respondents/Contemners that the said communication was sent by the Chairman to the Deputy Director (Education) in response to the letter received from the said Authority. There is nothing in the said letter to assume that the Respondents are in fact conducting the business of the management as such. Beside this letter, there is no other material on record to substantiate the case of the Petitioner.

3. Suffice it to observe that in view of the assurance given by the Respondents/Contemnors on affidavit filed in response to the Contempt Petition to the effect that they shall not do any act of commission or omission, which would breach the order of injunction dated 7th February 2006, no further action is warranted. Petition is disposed of. Notices issued to Respondents stand discharged.

A.M.KHANWILKAR, J.